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Group Art Unit: 3626

Re: Application No. 09/801,298

See the attached Reply Brief

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on September _13_, 2007.

Susan J. Sidwell

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Application No.:	09/801,298
Filing Date:	March 7, 2001
Applicant:	Michael J. Mahoney, et al.
Group Art Unit:	3626
Examiner:	V. Frenel
Title:	COMPUTER-IMPLEMENTED VEHICLE REPAIR CLAIMS PROCESSING SYSTEM
Attorney Docket:	705441US1

CERTIFICATE OF FACSIMLE TRANSMISSION (37 CFR 1.8)

Date of transmission: _9/13/07_ . I hereby certify that this Reply Brief is being facsimile transmitted to the United States Patent and Trademark Office at fax number 571-273-8300 on the date indicated above.

Susan J. Sidwell   _Susan J. Sidwell_
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Mail Stop Appeal Brief – Patents
Commissioner for Patents
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REPLY BRIEF

Sir:

This is in reply to the Examiner's Answer mailed July 17, 2007.

I. **STATUS OF CLAIMS**

Claims 1 – 18 are pending in this application. Claims 1 – 18 stand rejected in the Office Action mailed October 19, 2006.   The claims on appeal are set forth in the Claims Appendix to Appellants' Appeal Brief.

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II. <u>GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL</u>

The ground for rejection to be reviewed is unpatentability of claims 1—18 under 35 U.S.C.

§ 103(a) over Abdel-Malek et al. (U.S. Patent No. 6,959,235) in view of Sampath et al. (U.S.

Patent No. 6,892,317).

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III.   ARGUMENT

The Examiner has failed to rebut Appellants' Arguments

In addressing Appellants' first argument (that Abdel-Malek does not disclose said repair claim expert rules including a repair-related premises and repair claim related actions, wherein the computer system uses at least one of the repair claim-related premises to determine whether a preselected repair claim-related action should be executed based on the received repair claim data and generates a claim-related response based on said preselected repair claim-related action), the Examiner states:

"…Appellant fails to ignore the definition of Syntax…"

To the extent this statement can be understood, the claims on appeal do not use the term "Syntax." Furthermore, the Examiner now cites to a different portion of the Sampath et al reference for its "clear and unmistakable teaching." But of what? Neither cited section from column 6 or from column 13 appears to relate to Appellants' distinguishing arguments.
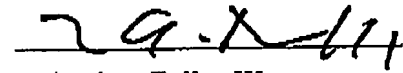
In addressing Appellants' additional arguments, the Examiner continues to allege that Appellants "fail to ignore" "clear and unmistakable teaching" of various features. The Board is respectfully invited to carefully review the Examiner's specific citations to the references of record. Such a review will reveal that the only thing that is "clear and unmistakable" is that the Examiner has not adequately rebutted Appellants' specific arguments for distinguishing the pending claims over the art of record.

Under the rubric of giving claim terms the "broadest possible interpretation during examination," the Examiner attempts to equate Syntax rules for a programming language, such as C++ etc, with expert rules. But this rubric does not allow the plain meaning of a claim to be ignored. In fact the opposite is true. "'[D]uring examination the USPTO must give claims their broadest possible interpretation.).' This mean that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification." [MPEP § 2111.01(I) (emphasis added) (citations omitted). Appellants submit that those of skill in the art would understand that the plain meaning of claim-related rules is clearly different than that of Syntax rules. Expert rules and Syntax rules are not the same thing and serve different purposes. The Syntax rules for a programming language are analogous to grammatical rules for a language. To enable the programming language's compiler to "understand" a textual statement of the

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program, the textual statement must conform to the programming language's Syntax rules. Expert rules on the other hand as are well understood in the art are rules which are used to make decisions based on inputs. And this is precisely how the term expert rules are used in the claims. For example, claim 1 recites: "having the computer system determine at least one response to the input repair claim data based upon the received input repair claim data by using expert rules stored in a knowledge based system of the computer system."

Appellants respectfully maintain that the Examiner has failed to establish a prima facie case of unpatentability, and the rejection of claims 1—18 should be reversed.

Respectfully submitted,

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Dated: 9/13/07

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